

EXHIBIT 3



HARRIS COUNTY
CRIMINAL
COURTS AT LAW

OFFICE OF
COURT MANAGEMENT
The Honorable Margaret Harris
Presiding Judge
713.755.5394

DISTRICT COURTS TRYING
CRIMINAL CASES IN
HARRIS COUNTY

ADMINISTRATIVE OFFICE OF THE
DISTRICT COURTS
The Honorable Susan Brown
Administrative Judge
713.755.6575



December 9, 2016

The Honorable Art Acevedo
Chief
Houston Police Department
1200 Travis Street
Houston, TX 77002

Re: Time-Critical Magistration Procedures

Dear Chief Acevedo,

Enclosed please find the Harris County Criminal Courts Time-Critical Magistration Procedures recently adopted by our respective boards of judges.

Our criminal law hearing officers preside over a huge volume of cases in dockets that continue around the clock. Employing these procedures disrupts an efficient, well-established process. We therefore ask that you use them only where statutory deadlines are truly imminent -- where the arrestee has been in custody for at least 44 hours since arrest. Reserving these procedures for urgent cases will ensure that arrestees enter our system through the existing process except in the most exceptional of circumstances.

Sheriff Hickman has assured the judiciary that every effort will be made to accept time-critical arrestees into the jail under the current process. Therefore, before employing these procedures, we are requiring the arresting agency to contact the Harris County Jail, request immediate transfer into the Harris County Sheriff's custody, and document the name of the person refusing to accept the arrestee. Additional requirements are stated in the procedures.

Thank you for your attention to this matter.

A handwritten signature in cursive script, appearing to read "Margaret Harris".

Margaret Harris

A handwritten signature in cursive script, appearing to read "Susan Brown".

Susan Brown

cc: The Honorable Ron Hickman
Harris County Sheriff
1200 Baker Street
Houston, TX 77002

HARRIS COUNTY CRIMINAL COURTS TIME-CRITICAL MAGISTRATION PROCEDURES

Law enforcement agencies should make every attempt to deliver arrestees charged with criminal offenses above a Class C misdemeanor to the Harris County Jail for placement on the regular hearing officer dockets. These time-critical procedures are only for critical situations where statutory deadlines are imminent.

1. DUTIES OF ARRESTING AGENCY PRIOR TO 15.17 APPEARANCE

If an arrestee has been in custody for 44 hours without receiving statutory warnings under Texas Code of Criminal Procedure 15.17, *the arresting agency shall contact the Harris County Jail and request an immediate transfer into the Harris County Sheriff's custody. If the Sheriff refuses to receive the arrestee, the agency having custody shall contact the following entities by telephone and provide and/or obtain the following information:*

A. Harris County Criminal Law Hearing Officers

- (1) Report how long the arrestee has been in custody since arrest.
- (2) Report the name of the Harris County Sheriff's Office peace officer or jailer who refused to accept custody of the arrestee.
- (3) *Obtain a setting (time and date) to present the arrestee for magistration.*

B. Harris County District Clerk

- (1) Inform the clerk of the setting secured above.
- (2) Provide the arrestee's name, date of birth, SPN, and cause number(s).

C. Harris County District Attorney intake section

- (1) Alert DA Intake of the setting secured above.
- (2) Provide the arrestee's name, date of birth, SPN, and cause number(s).
- (3) Ask an assistant district attorney to obtain and information to the setting to establish bring probable cause and any necessary protective orders.

D. Harris County Pretrial Services (PTS)

- (1) Alert PTS of the setting secured above.
- (2) Provide the arrestee's name, date of birth, SPN, and cause number(s).
- (3) Request a PTS employee to bring PTS packet to the setting.
- (4) If PTS has not yet interviewed the arrestee, the agency must ensure that the interview is conducted prior to the setting.

E. Harris County Sheriff's Office (HCSO)

- (1) Alert HCSO of the setting secured above.
- (2) Provide the arrestee's name, date of birth, SPN, and cause number(s).

NOTE: Arrestees cannot be magistrated without all necessary paperwork.

2. COURTROOM PROTOCOL

- A. The agency with the arrestee in custody must present all necessary paperwork for magistration, including the warrant and warrant confirmation if the arrestee is in custody on an out-of-county or out-of-state arrest warrant. (Parole violators shall not be included in this emergency process.)
- B. The agency with the arrestee in custody must secure the arrestee at all times in the courtroom and on the premises of the Harris County Criminal Justice Center.
- C. If more than one arrestee is presented for magistration, all arrestees must be handcuffed together at all times.
- D. At least four (4) peace officers from the arresting agency must appear and participate in this procedure as follows:
 - (1) One officer must be on each side of the arrestee(s) before the bench;
 - (2) One officer must secure the door leading to the clerk's area; and
 - (3) One officer must be able to move about the courtroom as necessary.
- E. The officers shall follow all directions from the Hearing Officer.

3. RESTRICTION ON NUMBER OF ARRESTEES

No more than five arrestees may be presented to the Criminal Law Hearing Officer at one time using this procedure. The procedure must be renewed for any additional arrestee(s).

4. PRETRIAL SERVICES

- A. Upon receiving notice of a pending magistration, PTS shall ensure that the arrestee has been interviewed. If the arrestee has not been interviewed, PTS shall interview the arrestee at the first available opportunity before magistration.
- B. PTS staff shall assist the arrestee in completing any paperwork attendant to a request for appointed counsel, and shall ensure that the paperwork is transmitted to the judge of the court in which the case is pending within 24 hours.

5. DISTRICT CLERK

Following magistration, the clerk shall update appropriate computer databases to ensure the arrestee is not presented for magistration again by the sheriff. The clerk shall also provide the arresting agency with documents showing magistration has occurred.

6. AFTER APPEARANCE BEFORE HEARING OFFICER

- A. The officers shall maintain custody of the arrestee after magistration is complete.
- B. The officer in charge shall obtain a copy of the magistration form for the local charge(s), as well as any out of county or out of state charge(s), and a copy of the Notice to Sheriff.
- C. If an arrestee is granted release on a personal bond, the arresting agency shall facilitate such release as quickly as possible and will not present arrestee to the Harris County Jail.
- D. If an arrestee is committed to the custody of the Harris County Sheriff, the arresting agency shall present the arrestee and documents to the Harris County Jail.